

**FLATHEAD COUNTY PLANNING AND ZONING OFFICE**  
**ZONING MAP AMENDMENT REPORT (FZC-20-08)**  
**JAMES GELORMINO**  
**MAY 27, 2020**

**I. GENERAL INFORMATION**

**A. Project Description**

This is a report to the Flathead County Planning Board and Board of Commissioners regarding a request by James Gelormino for a zoning map amendment in the Willow Glen Zoning District. The proposed amendment would change the zoning of property currently zoned 'R-2 (One Family Limited Residential) to R-5 (Two Family Residential).'

**B. Application Personnel**

**1. Owner/Applicant**

James Gelormino  
19 Vanderbilt Drive  
Kalispell, MT 59901

**C. Process Overview**

Documents pertaining to the zoning map amendment are available for public inspection in the Flathead County Planning and Zoning Office located in the South Campus Building at 40 11th Street West in Kalispell.

**1. Land Use Advisory Committee/Council**

The property is not located within the jurisdiction of a Land Use Advisory Committee.

**2. Planning Board**

The Flathead County Planning Board will conduct a public hearing on the proposed zoning map amendment on June 10, 2020 at 6:00 P.M. in the Trade Center Building at the Flathead County Fairgrounds, located at 265 North Meridian Road in Kalispell, Montana. A recommendation from the Planning Board will be forwarded to the County Commissioners for their consideration.

**3. Commission**

The Commissioners will hold a public hearing on the proposed zoning map amendment on June 25, 2020 at 9:30 A.M. Prior to the Commissioner's public hearing, documents pertaining to the zoning map amendments will also be available for public inspection in the Office of the Board of Commissioners at 800 South Main Street in Kalispell.

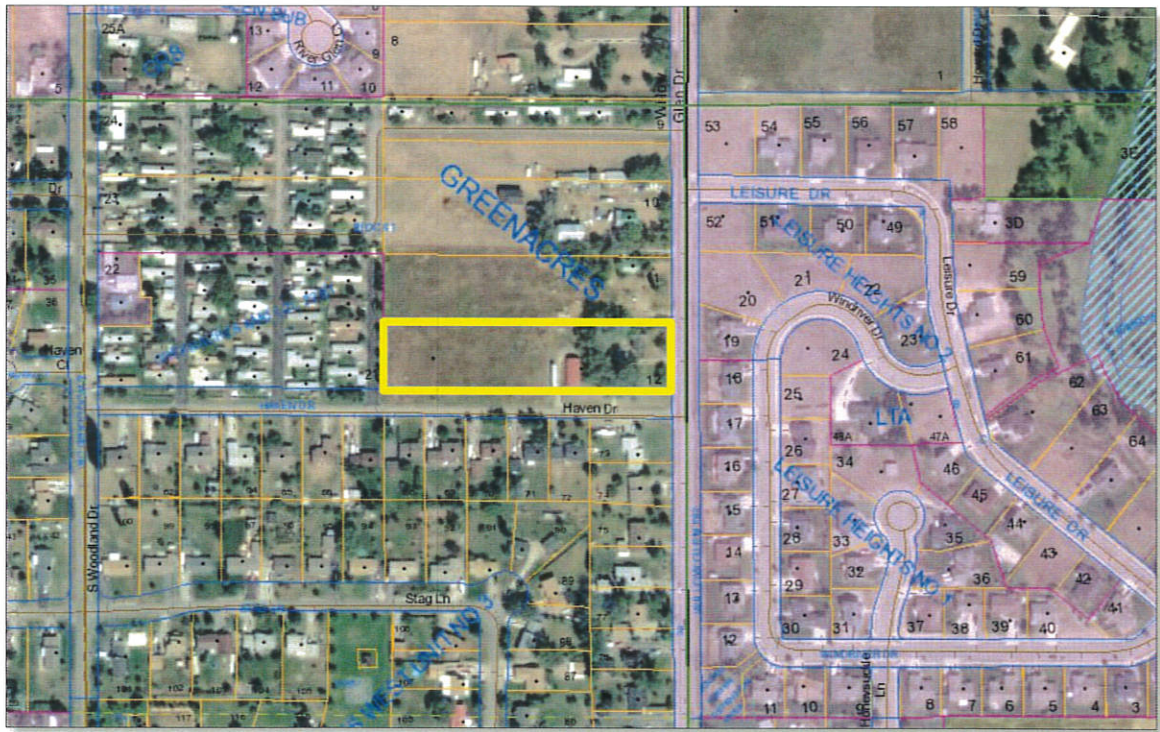
**II. PROPERTY CHARACTERISTICS**

**A. Subject Property Location and Legal Description**

The subject property is located at 628 Willow Glen Drive and totals 2.35 acres. The property can legally be described as follows:

Lot 12 of Block 1 of Greenacres, located in Section 20, Township 28 North, Range 21 West, P.M.M., Flathead County, Montana.

**Figure 1:** Subject property (outlined in yellow)

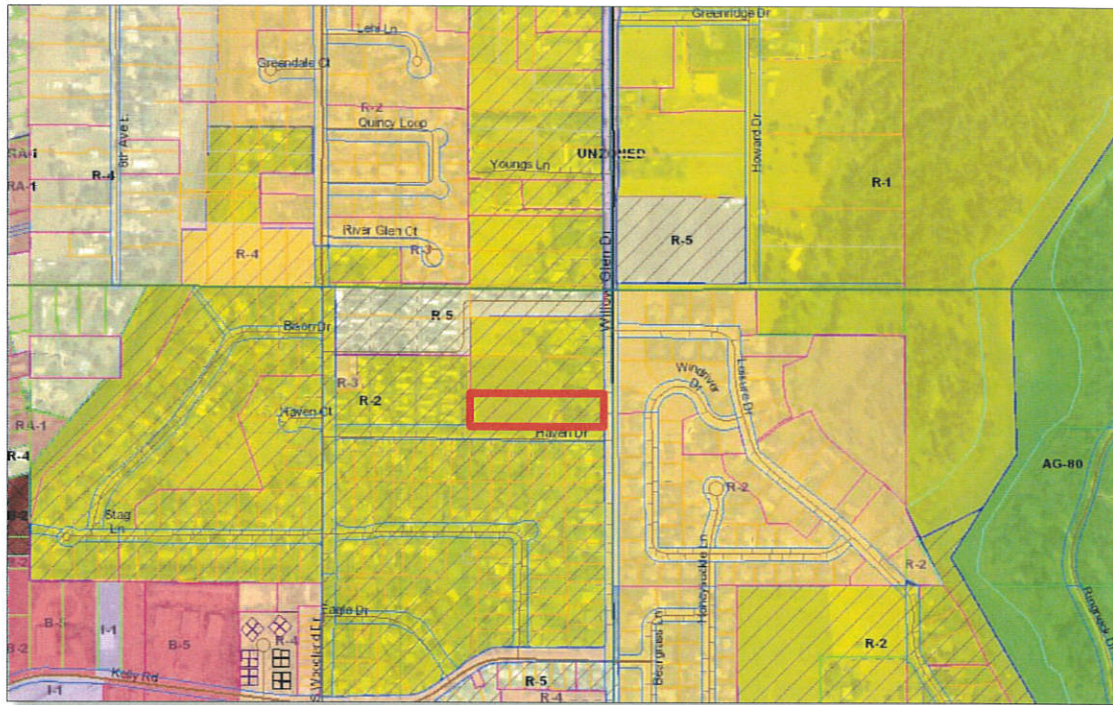


**B. General Character of and Reason for Amendment**

The subject property is located within the Willow Glen Zoning District and is currently zoned 'R-2 One Family Limited Residential'. The applicant has requested the zoning map amendment for the property to change the zoning designation to 'R-5 Two Family Residential'. The property currently contains a single-family dwelling and accessory structures. The applicants indicate the reason for the zone change is, "Growth in the valley furthering the need for housing/storage, improvement of vacant lot."



**Figure 2:** Current zoning on the subject property (highlighted in red)



### C. Adjacent Zoning and Character of the Overall Zoning District

The subject property is located within the Willow Glen Zoning District and surrounded by residential zones. The property is bordered on the north by R-5, to the east by City of Kalispell R-2, and to the south and west by R-2. The character of the zoning district in the vicinity of the subject property is a mixture of urban and suburban residential.

### D. Public Services and Facilities

Sewer:	Individual Septic System
Water:	Individual Well
Electricity:	Flathead Electric Cooperative
Natural Gas:	Northwestern Energy
Telephone:	CenturyTel
Schools:	Kalispell School District, Flathead High School District
Fire:	South Kalispell Fire District
Police:	Flathead County Sheriff's Office

## III. COMMENTS

### A. Agency Comments

1. An agency referrals letter was sent to the following agencies on March 17, 2020:
  - Bonneville Power Administration
  - City of Kalispell Planning Department
  - Flathead City-County Health Department
  - Flathead County Road and Bridge Department
  - Flathead County Sheriff's Office
  - Flathead County Solid Waste District
  - Flathead County Superintendent of Schools

- Flathead County Weeds & Parks Department
  - Kalispell Public Schools
  - Montana Fish, Wildlife & Parks
  - South Kalispell Fire District
2. The following is a summarized list of agency comment received as of the date of the completion of this staff report:
- Flathead County Road & Bridge Department
    - Comment: “Thank you for the opportunity to comment on the above referenced application. At this point the County Road Department does not have any comments on this request.” Letter received March 30, 2020
  - Flathead County Weed Compliance & Education
    - Comment: “James filled out a Subdivision/Soil Disturbance Weed Management Plan that is still sufficient from our perspective and can be used to fulfill the requirement for the current zone change request.” Email received April 13, 2020

#### **B. Public Comments**

1. Adjacent property notification regarding the proposed zoning map amendment was mailed to property owners within 150 feet of the subject property on May 20, 2020. Legal notice of the Planning Board public hearing on this application was published in the May 24, 2020 edition of the Daily Interlake.

Public notice of the Board of County Commissioners public hearing regarding the zoning map amendment was physically posted on the subject property and within the zoning district according to statutory requirements found in Section 76-2-205 [M.C.A.] on May 8, 2020. Notice will also be published once a week for two weeks prior to the public hearing in the legal section of the Daily Interlake. All methods of public notice include information on the general character of the proposed zoning map amendment, and the date, time, and location of the public hearing before the Flathead County Commissioners on the requested zoning map amendment.

2. Public Comments Received

As of the date of the completion of this staff report, no public comments have been received regarding the requested zoning map amendment. It is anticipated any member of the public wishing to provide comment on the proposed zoning map amendment may do so at the Planning Board public hearing scheduled for June 10, 2020 and/or the Commissioner’s public hearing. Any written comments received following the completion of this report will be provided to members of the Planning Board and Board of Commissioners and summarized during the public hearing(s).

#### **IV. EVALUATION OF PROPOSED AMENDMENT**

Map amendments to zoning districts are processed in accordance with Section 2.08 of the Flathead County Zoning Regulations (FCZR). The criteria for reviewing zoning amendments are found in Section 2.08.040 of the Flathead County Zoning Regulations and 76-2-203 M.C.A.

##### **A. Build Out Analysis**

Once a specific zoning designation is applied in a certain area there are certain land uses that are permitted or conditionally permitted. A build-out analysis is performed to examine the maximum potential impacts of full build-out of those uses. The build-out analysis is typically done looking at maximum densities, permitted uses, and demands on public services and facilities. Build-out analyses are objective and are not best or worst case scenarios. Without a build-out analysis to establish a foundation of understanding, there is no way to estimate the meaning of the proposed change to neighbors, the environment, future demands for public services and facilities and any of the evaluation criteria, such as impact to transportation systems. Build-out analyses are simply establishing the meaning of the zoning map amendment to the future of the community to allow for the best possible review.

The R-2 One Family Limited Residential designation is defined in Section 3.10.010 FCZR as, *"A district to for large-tract residential development. These areas will typically be found in suburban areas, generally served by either sewer or water lines."*

The R-5 Two-Family Residential designation is defined in Section 3.13.010 FCZR as, *"A residential district with minimum lot areas. Development within the district will require all public utilities, and all community facilities. A duplex is allowed in this district."*

The permitted uses and conditional uses for the current and proposed zoning designations contain several differences. The amendment would maintain the number of permitted uses at 9 and the number of conditional uses would also be maintained at 18.

The permitted uses listed in R-2 and not allowed in R-5 are as follows:

- Guest house

The conditional uses listed in R-2 and not allowed in R-5 are as follows:

- Cemetery, mausoleum, columbarium, crematorium
- Dwelling, family hardship
- Golf driving range
- Water and sewage treatment plant

The permitted uses listed in R-5 and not allowed in R-2 are as follows:

- Class B manufactured home
- Duplex

The conditional uses listed in R-5 and not allowed in R-2 are as follows:

- Beauty Salon and Barbershop
- Day care center
- Mini-storage, RV storage
- Recreational vehicle park/campground.

The bulk and dimensional requirements within the current and proposed zoning require a 20 foot setback from front, rear, and side-corner boundary line for principal structures and a setback of 20 feet for the front and side-corner and 5 feet from the rear and side for accessory structures. R-2 requires a setback of 10 feet from the side boundary line while R-5 requires a 5 feet setback from the side boundary line for principal structures. A 20 foot setback is required from streams, rivers and unprotected lakes which do not serve as property boundaries and an additional 20 foot setback is required from county roads



classified as collector or major/minor arterials for both the current and proposed zoning designations. The permitted lot coverage is 30% within R-2 and 40% within R-5. The maximum height is 35 feet for the principal structure and 18 feet for accessory structures within both the current and proposed zoning designations.

The R-2 zone requires a minimum lot area of 20,000 square feet. The subject property totals 2.35 acres or 102,366 square feet, thus approximately four additional lots could be created under the current zoning. The R-5 zone requires a minimum lot area of 5,400 square feet, therefore approximately seventeen additional lots could be created under the proposed zoning. The requested zone change has the potential to increase density through subsequent subdivision in the future. The bulk and dimensional requirements are similar as are the number of permitted and conditional uses.

**B. Evaluation of Proposed Amendment Based on Statutory Criteria (76-2-203 M.C.A. and Section 2.08.040 Flathead County Zoning Regulations)**

**1. Whether the proposed map amendment is made in accordance with the Growth Policy/Neighborhood Plan.**

The proposed zoning map amendment falls within the jurisdiction of the Flathead County Growth Policy, adopted on March 19, 2007 (Resolution #2015 A) and updated October 12, 2012 (Resolution #2015 R). The property is located within the Kalispell City-County Master Plan 2010, adopted on February 6, 1986 by the Flathead County Commissioners (Resolution #578A).

The Kalispell City-County Master Plan (Master Plan) serves as a planning tool for the area surrounding the City of Kalispell. The Master Plan was incorporated into the Growth Policy to provide more specific guidance on future development and land use decisions within the plan area at the local level. The Master Plan is composed of three major components, the text, the map and the goals and objectives. According to the Master Plan, "Relying on only one component will not always give a clear picture of the broad community concepts or the spirit of the Plan." This report contains discussion on compliance with all three components of the Master Plan.

The subject property is located on the Kalispell City-County Master Plan Map in an area designated as 'Suburban Residential'. The Suburban Residential designation is defined as *"A residential district which provides for two or less units per acre. Such areas typically do not have access to a community sewer or water system, have only limited police and fire protection and may have a limited carrying capacity due to site or soil limitations, floodplain or other natural constraints, which preclude higher density. Suburban residential districts are typically located in two areas: on the periphery of the urbanized community where they serve as a transitional development pattern between the urban area and the timber and agricultural areas beyond, and in aesthetically attractive areas such as foothills, lakeshore, or river frontage not suitable for agriculture or timber production. Suburban residential districts provide large lot, estate, ranchette, or resort housing opportunities where limited farming/gardening and raising of animals is common and/or privacy, aesthetic consideration and preservation of the natural surroundings are paramount. Detached single family houses and manufactured homes on individual lots would constitute the major land use pattern."*

- ❖ **Goal 4** – *A housing supply within the planning jurisdiction that meets the needs of present and future residents in terms of supply, choice and location.*
  - The proposal has the potential to add a mix of housing choices within the planning jurisdiction.
- ❖ **Goal 6** – *The orderly development of the planning jurisdiction with ample space for future growth while, at the same time, ensuring compatibility of adjacent lands uses.*
  - **Objective 6.a.** – *Designate adequate areas for a variety of business and commercial uses such as neighborhood-oriented businesses and services, highway-commercial oriented activities and general commercial uses.*
  - **Objective 6.f.** – *Establish standards for buffering incompatible land uses for mitigating impacts caused by such arrangements.*
  - **Objective 6.g.** – *Maintain the character of the single-family neighborhoods.*
  - **Objective 6.h.** – *Concentrate medium and high density residential units in areas close to commercial services good traffic access and open space specifically to provide efficient access to these amenities for the occupants and to provide a suitable buffer between commercial and high traffic areas and low density residential areas.*
    - The proposal would allow for additional single-family dwellings with a higher density and duplexes in an area surrounded by a mix of suburban (R-2) and urban (R-5) density.

Based on the definitions of ‘Suburban Residential’ the proposed map amendment from R-2 to R-5 would not comply with the designation. However, the texts of the plan would appear to support the proposed map amendment as it would expand an existing R-5 zoning designation along Willow Glen Drive which is a collector road.

**Finding #1:** The proposed zoning map amendment does not appear to comply with the Kalispell City-County Master Plan map which illustrates the lot as ‘Suburban Residential’, however the proposed amendment would generally support the goals and objectives outlined in the text of the document.

## **2. Whether the proposed map amendment is designed to:**

### **a. Secure safety from fire and other dangers;**

The subject property is located within the South Kalispell Fire District and the nearest fire station is located approximately 0.6 miles south of the property on Willow Glen Drive. The South Kalispell Fire Department would respond in the event of a fire or medical emergency. The property is not located within the Wildland Urban Interface (WUI) or within a fire district priority area.

Primary access to the property is off Willow Glen Drive, which is a paved, two-lane, MDT-maintained collector road and Haven Drive, which is a paved, two-lane, County-maintained road. The roads appear adequate to provide access for emergency vehicles.

According to FEMA FIRM Panel 30029C1820J, the property is located within an unshaded Zone X which is an area determined to be outside the 0.2% annual chance flood hazard.

**Finding #2:** The proposed zoning map amendment would not impact safety from fire and other danger because the property is located approximately 0.6 miles from the nearest fire station and within the South Kalispell Fire District, the property is accessed from Willow Glen Drive and Haven Drive which can accommodate access for emergency vehicles, and the property is not located within the WUI or a Special Flood Hazard Area.

**b. Promote public health, public safety, and general welfare;**

The property is located within the South Kalispell Fire District and approximately 0.6 miles from the nearest fire station. The South Kalispell Fire Department would respond in the event of a fire or medical emergency and the Flathead County Sheriff's Department provides police services to the property. Willow Glen Drive and Haven Drive appear adequate to provide ingress and egress for emergency vehicles which would help to ensure adequate public health and safety.

The property is bordered on the north by R-5, to the east by City of Kalispell R-2, and to the south and west by R-2. The character of the surrounding area generally consist of medium density residential uses. The uses allowed within the R-5 would be similar to what exists on the neighboring properties and the same as that of the adjacent R-5. Because the uses are similar or compatible with what exist in the area the proposal is not likely to negatively impact public health, public safety and general welfare.

**Finding #3:** The proposed zoning amendment would not have a negative impact on public health, safety and general welfare because future development would be similar or compatible to uses already existing in the area and the properties are served by the Flathead County Sheriff and the South Kalispell Fire Department.

**c. Facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.**

The subject property is a corner lot and is accessed from Willow Glen Drive and Haven Drive. Traffic counts collected in 2018 indicate 4,872 average daily trips (ADT) along Willow Glen Drive near the subject property. The most recent traffic counts for Haven Drive were collected in 2005 and indicated 306 ADT.

The property is currently developed with a single-family dwelling and accessory structures. The proposed zoning would allow for 17 additional lots. The highest density potentially permitted by subdivision with the proposed zoning would be duplexes. According to the Institute of Transportation Engineers (ITE) Trip Generation Manual, apartment complexes produce 6.65 average daily trips (ADT) per dwelling unit. With full build out of the property with duplexes, 17 duplexes would add approximately 226 ADT and would have the potential to increase traffic along Willow Glen by 5% and along Haven Drive by 74%. Uses such as a manufactured home park or recreational vehicle park/campground would require a conditional use permit and subdivision review and therefore would be assessed for appropriate traffic generation.



The property is currently served by an individual well and septic system. The property owner would be required to undergo review and approval from the Flathead City-County Health Department and the Montana Department of Environmental Quality if the property is further subdivided.

The subject property is located within the Kalispell School District. Kalispell elementary schools have seen an 8% increase in student enrollment over the last ten years and 0% increase between the 2018 and 2019 school years. The Kalispell high schools have seen a 5% increase in student enrollment over the last ten years and a 1% decrease between 2018 and 2019. The school district did not provide comment regarding this proposal. It is anticipated that schools would have capacity should any residential growth occur as a result of the proposed zoning map amendment.

The zoning map amendment may impact the existing public park system because greater demand on existing parks may be created. A future subdivision on the property would likely require parkland dedication or cash-in-lieu. The Flathead County Subdivision Regulations require parkland dedication for lots five acres or smaller. There are many parks, natural areas, and recreational opportunities within a short drive.

**Finding #4:** The proposed zoning map amendment would facilitate the adequate provision of transportation because primary access to the property is off Willow Glen Drive which is a two-lane collector road and secondary access is provided off Haven Drive, higher density use would require a conditional use permit or subdivision review which would further assess development related impacts on transportation, and comment received from the Flathead County Road and Bridge Department indicated no concerns regarding the proposal.

**Finding #5:** The proposed zoning map amendment would facilitate the adequate provision of water and sewer services, schools and parks because further development would require review through the Flathead City-County Health Department and Montana Department of Environmental Quality, no comments were received from the school district, parkland would be considered during subdivision review, and there are parks, natural areas, and recreational opportunities within a short driving distance.

**3. In evaluating the proposed map amendment, consideration shall be given to:**

**a. The reasonable provision of adequate light and air;**

Any additional lots created or structures built would be required to meet the bulk and dimensional requirements of the R-5 zoning designation. The bulk and dimensional requirements have been established to provide for a reasonable provision of light and air.

The minimum lot area for the current R-5 zoning designation is 5,400 square feet and the minimum lot area for the current R-2 zone is 20,000 square feet. The permitted lot coverage is 30% for the current zoning and 40% for the proposed zoning. The maximum building height within the current zoning and the proposed zoning is 35 feet for principal structures and 18 feet for accessory structures.

The setback requirements for the current and proposed zoning designations require a 20 foot setback from front, rear, and side-corner boundary line for principal structures and a setback of 20 feet for the front and side-corner and 5 feet from the rear and side for accessory structures. R-2 requires a setback of 10 feet from the side boundary line while R-5 requires a 5 feet setback from the side boundary line for principal structures. A 20 foot setback is required from streams, rivers and unprotected lakes which do not serve as property boundaries and an additional 20 foot setback is required from county roads classified as collector or major/minor arterials for both the current and proposed zoning designations.

**Finding #6:** The proposed zoning map amendment would provide adequate light and air to the subject property because future development would be required to meet the bulk and dimensional requirements of the R-5 zoning designation.

**b. The effect on motorized and non-motorized transportation systems;**

The subject property is a corner lot with access off Willow Glen Drive and Haven Drive. The Flathead County Road and Bridge Department had no comment regarding the proposal. As indicated above, traffic counts from 2018 indicate 4,872 ADT along Willow Glen Drive and traffic counts from 2005 indicate 306 ADT along Haven Drive. With full build out of the property, duplexes would add approximately 226 ADT. The zoning map amendment has the potential to increase traffic along Willow Glen by 5% and along Haven Drive by 74%. Future development would require subdivision review which would assess traffic generation and conditions of approval would address mitigation for traffic related issues.

The subject property is adjacent to an existing bike path located along Willow Glen Drive. Additionally, the Flathead County Trails Plan identifies Willow Glen Drive as a proposed arterial trail. It is anticipated that there will be minimal impact on non-motorized traffic because future subdivision of the property would require an easement for a pedestrian and bicycle trail along Willow Glen Drive.

**Finding #7:** The proposed zoning map amendment would have a minimal impact on motorized and non-motorized transportation systems because primary access is via Willow Glen Drive and Haven Drive, traffic generated by future development of the property should be acceptable in relation to current traffic, higher density uses would require a conditional use permit or subdivision review which has elements of transportation system review, the Flathead County Road and Bridge Department had no comment on the application, and future subdivision of the property would require an easement for a pedestrian and bicycle trail.

**c. Compatible urban growth in the vicinity of cities and towns (that at a minimum must include the areas around municipalities);**

Kalispell is the nearest municipality with city limits existing adjacent to the subject property. The proposed zone change would occur in an area within the Kalispell Growth Policy Annexation Policy Boundary and boundary of the Kalispell Growth Policy Future Land Use Map.

The City of Kalispell Growth Policy Future Land Use Map designates the subject property as 'Urban Residential' and the proposed zoning would provide urban

residential density compatible with the City's designation. The Kalispell Growth Policy document notes, "Medium-density residential (urban) neighborhoods should be developed at densities between four and twelve dwelling units per acre on an overall site basis. The residential density would appear to support the 'Urban Residential' designation.

**Finding #8:** The proposed zoning map amendment appears to be compatible with the City of Kalispell's urban growth because the property is designated as 'Urban Residential' which is compatible with the proposed R-5 zoning designation.

- d. The character of the district(s) and its peculiar suitability for particular uses;** The character of the district and its peculiar suitability for particular uses can best be addressed using the "three part test" established for spot zoning by legal precedent in the case of Little v. Board of County Commissioners. Spot zoning is described as a provision of a general plan (i.e. Growth Policy, Neighborhood Plan or Zoning District) creating a zone which benefits one or more parcels that is different from the uses allowed on surrounding properties in the area. Below is a review of the three-part test in relation to this application and the character of the district and its peculiar suitability for particular uses.

- i. *The zoning allows a use that differs significantly from the prevailing use in the area.*

The proposed R-5 zoning would allow for a smaller lot size and higher density than the current R-2 zoning. As mentioned previously in the report, the properties immediately to the north are also zoned R-5, thus proposed amendment would expand the existing corridor of R-5 zoning. While the zoning around the east, south, and west of the property is County R-2 and City of Kalispell R-2 zoning which are substantially similar, the uses allowed in R-2 and R-5 are similar in nature. There are a handful of City R-3 zoned areas within ¼ mile and the area is designated for "Urban Residential" type development per the Kalispell Growth Policy. It therefore does not appear that the zone change would allow uses that differ significantly from the prevailing uses in the area.

- ii. *The zoning applies to a small area or benefits a small number of separate landowners.*

The proposed zoning map amendment would apply to one property, which is 2.35 acres in size, for the benefit of one landowner.

- iii. *The zoning is designed to benefit only one or a few landowners at the expense of the surrounding landowners or the general public and, thus, is in the nature of special legislation.*

The proposed map amendment would allow for residential lots with a minimum lot size of 5,400 square feet. As stated above, the zone change would occur on one tract of land covering 2.35 acres. However, the zone change from R-2 to R-5 is not a substantial change in use from surrounding area and would therefore not be at the expense of the surrounding landowners. If the additional density allowed by R-5 is pursued, subdivision review would ensure that significant or unacceptable impacts to public health and safety are mitigated.



In summary, all three criteria must be met for the application to potentially be considered spot zoning. The proposed zoning map amendment does not appear to be at risk of spot zoning, as it does not appear to meet all three of the criteria.

**Finding #9:** The proposed zoning map amendment appears suitable for the character of the district and does not appear to constitute spot zoning because the R-5 zoning designation provides similar uses and densities to surrounding County and City zoning designations and would be a continuation of existing R-5 zoning located adjacent to the subject property, and the amendment would not change the character of the area to the detriment of surrounding landowners.

**e. Conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.**

The subject property is located within the Willow Glen Zoning District, which comprises approximately 3,900 acres in the area south of Highway 2 and Highway 35, between the Flathead River and the City of Kalispell. The property is surrounded by residential zoning. While the zone change could allow for higher density than is allowed currently on the property, the map amendment would potentially increase the supply of affordable housing in an appropriate location which benefits the larger community. The similar nature of the surrounding zoning designations would ensure that the value of buildings is not disproportionately impacted.

**Finding #10:** The proposed zoning map amendment would conserve the value of buildings and encourage the most appropriate use of land in this particular location because the proposed zoning designation allows for similar uses to the surrounding residential zoning, would expand upon the existing R-5 zoning in the area, and would allow for affordable housing in an appropriate location.

**4. Whether the proposed map amendment will make the zoning regulations, as nearly as possible, compatible with the zoning ordinances of nearby municipalities.**

Kalispell is the nearest municipality to the subject property and the city limits are directly adjacent to the east and less than a quarter mile northwest, south, and southwest of the property. The properties are located within the Kalispell Growth Policy Annexation Policy Boundary and the Kalispell Growth Policy Future Land Use Map. The City of Kalispell Future Land Use Map identifies this area as Urban Residential which supports this density of residential development west of Willow Glen Drive. Nearby properties are zoned City of Kalispell R-2 and R-3 which are residential-type zones that allow for lots as small as 6,000 and 10,000 square feet. This proposed zoning map amendment would extend the City R-3 zoning and County R-5 zoning which exist along the western corridor of Willow Glen. The proposed map amendment therefore appears to be compatible with the zoning ordinance of Kalispell.

**Finding #11:** The proposed map amendment appears to be compatible with the City of Kalispell's zoning ordinance because the R-5 zoning designation would allow for uses compatible with Kalispell Growth Policy Future Land Use Map.

**V. SUMMARY OF FINDINGS**

1. The proposed zoning map amendment does not appear to comply with the Kalispell City-County Master Plan map which illustrates the lot as 'Suburban Residential', however the proposed amendment would generally support the goals and objectives outlined in the text of the document.
2. The proposed zoning map amendment would not impact safety from fire and other danger because the property is located approximately 0.6 miles from the nearest fire station and within the South Kalispell Fire District, the property is accessed from Willow Glen Drive and Haven Drive which can accommodate access for emergency vehicles, and the property is not located within the WUI or a Special Flood Hazard Area.
3. The proposed zoning amendment would not have a negative impact on public health, safety and general welfare because future development would be similar or compatible to uses already existing in the area and the properties are served by the Flathead County Sheriff and the South Kalispell Fire Department.
4. The proposed zoning map amendment would facilitate the adequate provision of transportation because primary access to the property is off Willow Glen Drive which is a two-lane collector road and secondary access is provided off Haven Drive, higher density use would require a conditional use permit or subdivision review which would further assess development related impacts on transportation, and comment received from the Flathead County Road and Bridge Department indicated no concerns regarding the proposal.
5. The proposed zoning map amendment would facilitate the adequate provision of water and sewer services, schools and parks because further development would require review through the Flathead City-County Health Department and Montana Department of Environmental Quality, no comments were received from the school district, parkland would be considered during subdivision review, and there are parks, natural areas, and recreational opportunities within a short driving distance.
6. The proposed zoning map amendment would provide adequate light and air to the subject property because future development would be required to meet the bulk and dimensional requirements of the R-5 zoning designation.
7. The proposed zoning map amendment would have a minimal impact on motorized and non-motorized transportation systems because primary access is via Willow Glen Drive and Haven Drive, traffic generated by future development of the property should be acceptable in relation to current traffic, higher density uses would require a conditional use permit or subdivision review which has elements of transportation system review, the Flathead County Road and Bridge Department had no comment on the application, and future subdivision of the property would require an easement for a pedestrian and bicycle trail.
8. The proposed zoning map amendment appears to be compatible with the City of Kalispell's urban growth because the property is designated as 'Urban Residential' which is compatible with the proposed R-5 zoning designation.
9. The proposed zoning map amendment appears suitable for the character of the district and does not appear to constitute spot zoning because the R-5 zoning designation provides similar uses and densities to surrounding County and City zoning designations and would

be a continuation of existing R-5 zoning located adjacent to the subject property, and the amendment would not change the character of the area to the detriment of surrounding landowners.

10. The proposed zoning map amendment would conserve the value of buildings and encourage the most appropriate use of land in this particular location because the proposed zoning designation allows for similar uses to the surrounding residential zoning, would expand upon the existing R-5 zoning in the area, and would allow for affordable housing in an appropriate location.
11. The proposed map amendment appears to be compatible with the City of Kalispell's zoning ordinance because the R-5 zoning designation would allow for uses compatible with Kalispell Growth Policy Future Land Use Map.

## **VI. CONCLUSION**

Per Section 2.08.020(4) of the Flathead County Zoning Regulations (FCZR), a review and evaluation by the staff of the Planning Board comparing the proposed zoning map amendment to the criteria for evaluation of amendment requests found in Section 2.08.040 FCZR has found the proposal to generally comply with most of the review criteria, based upon the draft Findings of Fact presented above. Section 2.08.040 does not require compliance with all criteria for evaluation, only that the Planning Board and County Commissioners should be guided by the criteria.

Planner: EA